

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

TERRANCE LAMAR MELTON,

Petitioner,

v.

Case No: 3:18-cv-525-JA-SRW

UNITED STATES OF AMERICA,

Respondent.

ORDER

This case is before the Court on Petitioner's Motion to Vacate pursuant to 28 U.S.C. § 2255 (Doc. 2). The assigned United States Magistrate Judge has submitted a Report (Doc. 28) recommending that the motion be denied and this case dismissed with prejudice. No party has filed an objection to the Report and the time to do so has passed.

After a review of the record in this matter, the Court agrees with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation (Doc. 28) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The Motion to Vacate pursuant to 28 U.S.C. § 2255 (Doc. 2) is **DENIED**.

3. This case is dismissed with prejudice.

4. This Court should grant an application for a certificate of appealability only if the petitioner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make such a showing “[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also Lamarca v. Sec’y, Dep’t of Corr.*, 568 F.3d 929, 934 (11th Cir. 2009). However, the petitioner need not show that the appeal will succeed. *Miller-El v. Cockrell*, 537 U.S. 322, 337 (2003). Petitioner fails to demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong. Moreover, Petitioner cannot show that jurists of reason would find this Court’s procedural rulings debatable. Petitioner fails to make a substantial showing of the denial of a constitutional right. Thus, Petitioner is denied a certificate of appealability.

5. The Clerk of the Court is directed to enter judgment in favor of Respondent and to close this case.

DONE and ORDERED in Orlando, Florida, on April 26th, 2021.



JOHN ANTOON II
United States District Judge

Copies furnished to:
Counsel of Record
Unrepresented Party